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Paper No. 89

Howard Hong-Dough Lee
4350 Derry Road
Bloomfield, MI 48302

In re Application of :
Howard Hong-Dough Lee :
Application No. 10/016,011 :
Filed: December 17, 2001 :
Attorney Docket No. :

COPY MAILED

APR 21 2004

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on April 9, 2004, to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on November 20, 2003, after no response was received to the non-final Office action mailed August 19, 2003. The non-final Office action set shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on November 20, 2003. A Notice of Abandonment was mailed on April 9, 2004.

In the instant petition, petitioner maintains that the non-final Office action was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

[t]he showing requires to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Although petitioner has offered a statement that petitioner's records were searched, but the Office communication was not found, petitioner did not provide a copy of petitioner's logs showing where the Office communication would have been entered if it had been received. If petitioner does not keep a log, petitioner may file a copy of the contents of the incoming correspondence petitioner has received for this application. This documentation must accompany any renewed petition filed under 37 CFR 1.181(a).

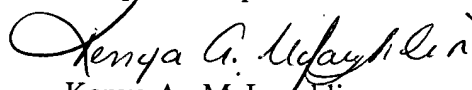
Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,330.00 for a large entity and \$665.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64